

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON 10-8-00

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF)	
)	Administrative Action
DONALD T. STEIN, Ph.D.)	
)	FINAL DECISION AND ORDER
APPLICANT FOR LICENSE TO)	
PRACTICE PSYCHOLOGY IN)	
THE STATE OF NEW JERSEY)	

This matter was opened to the New Jersey State Board of Psychological Examiners ("Board") upon receipt from Donald T. Stein, Ph.D. ("applicant"), of a request to the Board for reconsideration pursuant to N.J.A.C. 13:42-5.2 of the applicant's oral examination failure. The Board reviewed the record in this matter including the applicant's work sample (a client case study) submitted to the Board in advance of the oral examination, the oral examination audiotape, and the applicant's written request for reconsideration submitted in accordance with the examination review procedures at N.J.A.C. 13:42-5.2. The Board discussed the merits of the applicant's request for reconsideration of his oral examination failure at its regular Board meeting on July 10, 2000, and determined to grant the request for reconsideration. Thereafter, the Board designated a subcommittee to review the matter and to make a recommendation to the Board after conducting such inquiry or investigation as the subcommittee deemed necessary. On September 11, 2000, the subcommittee made recommendations to the

Board in regard to the applicant's oral examination failure, and thereafter, the entire Board discussed the examination and put the matter to a vote. The Board's final decision and reasons are incorporated in this Final Decision and Order.

The Board set forth its original reasons for the applicant's oral examination failure in its notification letter dated June 8, 2000. Dr. Stein contested each of the reasons in his written request for reconsideration claiming that there was a substantial and material error on the part of the examiners. However, the applicant did not avail himself of the opportunity to review his oral examination tape as provided by the Board's examination review procedures in N.J.A.C. 13:42-5.2. Accordingly, Dr. Stein provided no support for his position from the oral examination itself. Further, the applicant claimed examiner bias on the part of one examiner on the basis of his religion and attendant appearance.

Dr. Stein alleges that his " ... black suit ... beard ... and black hat that (he) wore inside ..." in keeping with the "Talmudic" tradition " ... evoked a personal bias against him by one of the examiners. A thorough review of the oral examination audiotape by the Board's subcommittee revealed absolutely no evidence of bias on the part of the examiner to be discerned from the audiotape. Dr. Stein presents no statements spoken by the examiner to support his allegation of bias. In fact, he presents

no evidence of anything, verbal or non-verbal, to support this serious allegation. He only provides his own sense of "hostile overtones" and his own intrapsychic negative experience of the examination. In reality, there is absolutely nothing to substantiate the applicant's allegation of bias against him because of his religious/ethnic background.

Dr. Stein next attempts to persuade the Board that there is substantial and material error on the part of the examiners in that their conclusion that he failed the oral examination did not take into account the historical record of his academic and professional training. He discusses at length various events in his career and personal life and attaches to his request for reconsideration numerous letters of commendation and articles he has co-authored. Dr. Stein's education, training and experience are part of his application for licensure, but none of this information bears any relevance to Dr. Stein's ability to successfully pass an oral examination administered by the Board. Dr. Stein states in his request for reconsideration that he hopes that these submitted enclosures will convince the Board that it has made an erroneous decision in its initial determination that he failed his oral examination. The oral examination, however, is an independent portion of the application process and a requirement which every applicant, including Dr. Stein, is required by law to successfully complete.

Dr. Stein finally addresses the Board's stated reasons for his oral examination failure at the end of his reconsideration letter. The Board's failure letter stated that the applicant's answer to the question concerning significant interventions in the case did not provide any real clarity. This question is intended to explore the applicant's knowledge concerning theoretical orientation and how it compares and contrasts with other theoretical orientations. Dr. Stein presented logotherapy as his theory but states in his letter that he did not intend logotherapy as a replacement for other psychotherapies but as a supplement to enhance them, and he acknowledges that he did not make that clearly understood and should have presented an eclectic model. In fact, the applicant did not provide any substantial explanation for his interventions in the case study; and contrary to his letter of reconsideration, there is no indication that he presented an eclectic orientation to psychotherapy.

The Board's failure letter also asserted that the applicant's assessment of the patient lacked precision. Although Dr. Stein provided some additional information about the case in his reconsideration letter, his explanation during the oral examination was very unclear, and he failed to adequately relate his theoretical orientation to his methods of assessment and diagnosis. For example, although the client had been truant from school and was involved in an attempted robbery, the Board

reviewers could not glean how Dr. Stein arrived at a diagnosis of narcissistic personality disorder in this 18 year old adolescent.

The applicant also failed the oral examination, in part, as a result of his inability to discuss the psychometric properties of any of the tests utilized in the work sample. Dr. Stein responds to that inadequacy by stating that he did not expect to be asked such questions. Clearly, that defense only points to his own lack of preparedness and certainly does not persuade the Board that there was any material error on the part of the examiners.

Finally, the applicant failed to respond to questions pertaining to New Jersey's unique law concerning the disclosure of confidential information to third party insurers. The Board's instruction sheet provided to all candidates prior to the oral examination advises that there will be questions in this area as well as in other ethical and legal issues which impact on the independent practice of psychology. Dr. Stein simply states in this regard that he does not believe that lack of precise answers on these questions provides grounds to fail the oral examination.

Dr. Stein states in his reconsideration letter that he "expected a more collegial gathering," and that he became "nervous and tense" as a result of one examiner's bias and hostility. He also states several times in his letter that the Jewish examiner passed him, and the non-Jewish examiner failed him. Such information never was provided to the applicant, and in fact no

such information exists in the record. A decision by the Board to fail an oral examination candidate is a determination made by the entire Board after a thorough discussion of the candidate's performance. Dr. Stein ascribes feelings and decisions to each of the examiners that are not part of the record in this case.

Upon consideration of the recommendation of the members of the subcommittee charged with reconsidering the applicant's oral examination failure as well as a review and discussion of the entire record in this matter, the Board determined to sustain the oral examination failure, and further, found that the applicant failed to establish that there was a substantial and material error on the part of the examiners in that the applicant's position was not persuasive and more important was not supported by the record. Further, the Board found that the applicant's assertion of examiner bias on the basis of his religion/ethnicity had absolutely no support in the record. The Board found that its reasons for the applicant's oral examination failure as set forth in its initial letter of June 8, 2000, were fully supported by its reconsideration.

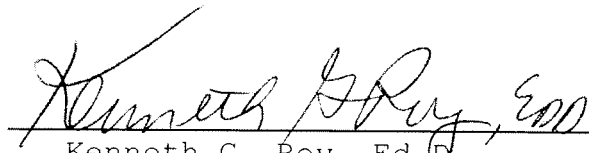
Accordingly, the Board continues to be persuaded that Dr. Stein fails to meet the threshold required by this Board for the independent practice of psychology. The applicant is eligible for re-examination and may submit a new work sample in accordance with

the regulations so that the Board may schedule an oral examination with minimal delay.

For all of the above reasons, the Board found that the record does not support a finding of a substantial and material error on the part of the examiners or proof of examiner bias against the candidate.

THEREFORE, IT IS ON THIS 7th DAY OF OCTOBER, 2000,
HEREBY ORDERED THAT:

Upon reconsideration in accordance with N.J.A.C. 13:42-5.2, the applicant's failure of the oral examination is hereby sustained.



Kenneth G. Roy, Ed.D.

Chair

State Board of Psychological Examiners